

In the Claims

Applicants submit herewith a marked-up version of the claims. Applicants request entry of the changes shown on the marked-up version of the claims, whereby claims 1-35 are cancelled, without prejudice, and new claims 36-46 are entered.

The submitted marked-up versions of the claims follows standard amendment rules, wherein added text has been underlined and deleted text has been bracketed. The status of each claim is provided.

Remarks to Amended and New Claims

Claims 36-46 are new. Claims 36-46 are very similar to those claims previously prosecuted and issued in the companion application 09/514,907 (now US Patent 6,567,705); however with the following notable changes. First, the claims have been directed to an implantable system for delivering a predetermined genetic material or protein to a selected location of a patient's heart. Support for claiming an implantable system can be found in cancelled claims 22-25, 26-30, and 31-35 and throughout the specification. In addition, Applicants have removed the requirement for a sensor in the system (which now appears as a dependent claim 59) and prosecute that aspect of Applicant's invention directed to an implantable system delivering the genetic material or protein to the heart.